HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24364 of 2001

29-07-2005

Between:

Y. Sharja Bai

…Petitioner.

And

The Managing Director,

A.P. Cooperative Housing Society Federation Ltd.,

Gruhakalpa Office, Hyderabad and another.

…Respondents.

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ORDER :

The petitioner filed the present writ petition challenging the notice dated 31-10-2001 issued by the second respondent. She seeks a Writ of Mandamus declaring the said notice as illegal and arbitrary. The allegations made in the affidavit are as follows.

The petitioner's husband availed the housing loan from the Housing Federation in 1992 for the construction of house repayable in twenty yearly instalments @ Rs.2,250/- each. The house was constructed utilizing the loan and the loan was also repaid to some extent. However, without conducting any enquiry and without issuing any notice, the second respondent herein issued the impugned notice to the petitioner and her children as petitioner's husband Bhujanga Rao died on 15-8-2001.

The first respondent has filed a counter affidavit stating that the loan was sanctioned by M/s. Shantiniketan Cooperative Housing Society, Nizamabad and that Bhujanga Rao mortgaged the property house bearing No.6-19-1818/87, which was assigned by the said Society to the first respondent under Assignment Deed dated 27-8-1992. The first respondent denied that any proceedings under the A.P.Cooperative Societies Act, 1964 were initiated. A categorical averment is also made that the first respondent has not issued any such notice to the petitioners.

After perusing the notice it becomes clear that the second respondent issued notice in relation to the property bearing House No.6-21-76 whereas the property mortgaged by Bhujanga Rao, the husband of the petitioner, is different. Be that as it is, learned counsel for the first respondent also submits that there is no officer with the designation as Divisional Cooperative Officer in the office of the first respondent.

Therefore, the grievance made out by the petitioner is sufficiently redressed as per the averments made in the counter. As M/s. Shantiniketan Cooperative Housing Society, Nizamabad, is not made a party to this writ petition, this Court cannot make any observations with regard to the alleged payment made by the husband of the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J.)

29-07-2005

Msr.

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(Msr)